

TENTH DAY

(Wednesday, March 31, 1954)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Corbin was granted leave of absence for today on account of important business on motion of Senator Wagonseller.

Senate Resolution 36

Senator Aikin offered the following resolution:

Whereas Hon. T. D. Wells, of Paris is a visitor at the Capitol today, and

Whereas Mr. Wells is a former Member of the House of Representatives from Lamar County, and an outstanding citizen; now, therefore, be it

Resolved, By the Senate of Texas, that Mr. Wells be extended a hearty welcome and that he be extended the privilege of the floor for today.

The resolution was read and was adopted.

Senator Aikin presented Mr. Wells to the Members of the Senate.

Senate Resolution 37

Senator Colson offered the following resolution:

Whereas, We are honored today to have in the gallery the members of the Government Class, who are Seniors of the Grapeland High School, Grapeland, Houston County, Texas, namely, Misses Martha Sue Anderson, Eva Jean Brown, Lorena Murchison Darsey, Sandra Foster, Maxie Nell Goolsby, Marilyn Herod, Margie Nell Hughes, Barbara Ann Jones, Myrl Long, Norma Jeris Murdock, Carolyn Musick, Nelda Owens, Patsy Rials, Nita Scoggin, Jeanne Sowell, Nancy Allene Thomas, Marilyn Yates, Mrs. Charles Brown, Messrs. Samuel R. Allen, Boyd Lee Beeson, Bobby Charles Bennett, Jerry Al Brown, George Herman Bush, Donald Gene Cunningham, Melvin Doyle Gee, Billy Charles Gentry, Willis Franklin Gordon, Sherry Lynn Green, Wesley Johnson, Dean Edward Kelley, Max Langham, Melvin Lovelady, Harold Dean Mitchell, Ronald Smith, Henry Lee Spence, Walter Wayne Willis, Carol Wright, accompanied by their Superintendent, Mr. J. O. McKenzie, and their sponsor, Mrs. J. C. Shoultz, and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens is here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Colson presented the students and Mr. McKenzie and Mrs. Shoultz to the Members of the Senate.

Senate Resolution 38

Senator Rutherford offered the following resolution:

Whereas, We are honored to have with us today, President Murray A. Fly of Odessa Junior College who is well known throughout Texas educational circles, who has devoted the majority of his life to the education of Texas youth; and who for many years was superintendent of schools of Odessa, Ector County, Texas, and

Whereas, Mr. Fly is outstanding in Lions service club work and is one of eight of the world's holders of the International Key which is the highest honor bestowed by the Lions Club; now, therefore, be it

Resolved, By the Senate of Texas, that this distinguished visitor and outstanding Texan be officially welcomed, and extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senator Rutherford presented Mr. Fly to the Members of the Senate.

Presentation of Guests

Senator Secrest by unanimous consent, presented as guests of the Senate today the Junior and Senior classes of Milano High School and their teachers, Mrs. Roberta Bowling and Mr. John H. McLerran, to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 31, 1954.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 15, A bill to be entitled "An Act levying certain taxes for the support of State government; amending Section III of Chapter 402, Acts, Regular Session, Fifty-second Legislature levying a tax on the business or occupation of the producing of gas within this State; repealing Section XI of Chapter 402, Acts, Regular Session, Fifty-second Legislature, being codified as Subdivision 46 of Article 7047, Vernon's Annotated Civil Statutes of Texas with certain

specified conditions thereto; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following bill received from the House today was read first time and referred to the committee indicated:

H. B. No. 15—To the Committee on State Affairs.

At Ease

On motion of Senator Weinert, and by unanimous consent, the Senate at 10:43 o'clock a. m., agreed to stand at ease subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:02 o'clock a. m. today.

Resolution Signed

The President signed in the presence of the Senate, after the caption had been read, the following enrolled resolution:

H. C. R. No. 17, Relative to Medal of Honor presented to Lieutenant George H. O'Brien, Jr., United States Marine Corps, by the President of the United States.

Senate Resolution 40

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery the Milford, Texas, High School Senior Class, accompanied by Mr. Roger Williams, Mrs. Jane Robinson, Miss Bessie Lee Wimbish and Miss Mattie Lowe Rosson; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and

that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senate Resolution 41

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the 11th and 12th Grade Civics Classes of Junction High School, accompanied by Superintendent John A. Long, and teacher, Mrs. Frank Rembold; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Ashley presented the students and Mr. Long and Mrs. Rembold to the Members of the Senate.

Senate Resolution 42

Senator Latimer offered the following resolution:

Whereas, We are honored today to have in the gallery the Junior Government Class of Edgewood High School, San Antonio, Texas, accompanied by Mr. Louis Tomaino, Mrs. Thompson, Mrs. Graham, Mrs. Weimer, Miss Coffman, and Mr. Forester; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine class of young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Latimer presented the students and Mr. Tomaino, Mrs. Thompson, Mrs. Graham, Mrs. Weimer, Miss Coffman and Mr. Forester to the Members of the Senate.

Senate Resolution 43

Senate Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the government class from Katy High School, with the teacher, Mr. Theodore Lammert; and

Whereas, These visitors are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of Texas students are here to observe and to learn at firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests, and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

BRACEWELL
STRAUSS
PHILLIPS

The resolution was read and was adopted.

Senator Bracewell, on behalf of Senator Strauss and Senator Phillips, presented the students and Mr. Lammert to the Members of the Senate.

Senate Resolution 45

Senator Wagonseller offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Mr. C. J. Brannan, Jr., Mr. R. C. Stanford, Jr., and Mr. Dwight M. Ross, Jr., of Wichita Falls, Texas; and

Whereas, These guests are outstanding citizens of North Texas; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

**WAGONSELLER
MOFFETT**

The resolution was read and was adopted.

Senator Wagonseller presented the guests to the Members of the Senate.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
March 31, 1954.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 6, Designating persons for whom Taylor County was named.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Committee Substitute Senate Bill 5 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment the following bill:

C. S. S. B. No. 5, A bill to be entitled "An Act making it unlawful to commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, Texas, or any subdivision of either, by force or violence, or to advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act, or to conspire to commit any of such acts, or to assist in the formation of, or participate in the management of, or contribute to the support of, or become or remain a member of, or destroy any books or records or files of, or secrete any funds of any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to

engage in or advocate, abet, advise, or teach any activities intended to further such overthrow, destruction, or alteration; defining offenses and prescribing penalties, disqualifications, and forfeitures therefor; making unlawful any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to further the overthrow, destruction, or alteration of the constitutional form of the government of the United States, Texas, or any subdivision of either, by force or violence; depriving such organizations of all rights, privileges, and immunities; providing for dissolution of such organizations and forfeiture of charters, permits, and property to the State; providing for prima facie evidence upon proof of certain facts; providing for enforcement by restraining orders, injunctions, and other civil proceedings; providing for issuance and execution of search warrants; providing for severance in event of invalidity of any part; and declaring an emergency."

The bill was read second time.

(President Pro Tempore in the Chair.)

Senator Martin offered the following amendment to the bill:

Amend C. S. S. B. No. 5 by adding at the end of Section 2 the following language:

"Provided that nothing in this Act shall be construed to repeal any part of Articles 83, 84 and 85 of the Penal Code of the State of Texas, relating to treason, nor any part of Articles 153 and 155 of the Penal Code of the State of Texas, relating to seditious writings and language."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill No. 5 by striking out the words "Attorney General" wherever they appear in said bill and substituting in lieu thereof the words "District Attorney, Criminal District Attorney or County Attorney."

The amendment was adopted.

Senator Shireman offered the following amendment to the bill:

Amend Section No. 6 of the Committee Substitute for S. B. No. 5, by striking out the period at end of section, substituting a comma therefor and adding the following:

"provided, further, that no such proceedings shall be instituted unless and until the Director of the Department of Public Safety of the State of Texas, shall be advised of the intention to institute such proceedings."

The amendment was adopted.

On motion of Senator Kelley, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Committee Substitute Senate Bill 5 on Third Reading

Senator Kelley moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yes—30

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Bell was recognized by the Chair and addressed the Senate as follows:

"Mr. President, Members of the Senate.

"Without taking up a great deal of time of the Senate concerning the passage of the Substitute for Senate Bill 5, which in my opinion is a most important piece of legislation and which will, in my opinion, help strengthen the security of our State and our Nation, I offer an excerpt from House Document 136, "100 Things You Should Know About Communism," prepared and released by the Committee on Un-American Activities. The statement above referred to is a sworn statement by William Z. Foster who was head of the Communist Party in the United States and his statement is as follows:

" 'No Communist, no matter how many votes he should secure in a national election, could, even if he would, become President of the present government. When a Communist heads the government of the United States—and that day will come just as surely as the sun rises—the government will not be a capitalist government but a Soviet government, and behind this government will stand the Red army to enforce the dictatorship of the proletariat.' "

"I congratulate the Senate today upon the passage of this bill."

The bill was then passed by the following vote:

Yeas—30

Aikin	Moore
Ashley	Parkhouse
Bell	Phillips
Bracewell	Rogers
Colson	of Childress
Fuller	Rogers of Travis
Hardeman	Russell
Hazlewood	Rutherford
Kazen	Sadler
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

Absent—Excused

Corbin

Remarks of Senator Bell Ordered Printed in Journal

On motion of Senators Parkhouse and Kelley, and by unanimous consent of the Senate, Senator Bell was requested to reduce his remarks on Senate Bill 5 to writing and that they be printed in the Journal.

Senate Resolution 46

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery the Texas Government Class of Giddings High School, accompanied by their teacher, Miss Bess Black; and

Whereas, These students and their teacher are on an educational tour of the Capitol Building and to observe firsthand the workings of their State Government; now, therefore, be it

Resolved, By the Senate, that we extend to this group a hearty welcome and commend them for their interest.

The resolution was read and was adopted.

Senator Martin (on behalf of Senator Strauss who was presiding at the time) presented the students and Miss Black to the Members of the Senate.

Senate Resolution 47

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery 30 students of the Seventh Grade Civics Class of Nixon Grade School, Nixon, Texas, Gonzales County, accompanied by Mrs. R. S. Holmes, teacher; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their

State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert presented the students and Mrs. Holmes to the Members of the Senate.

Senate Resolution 48

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery 29 members of the American History Class of the Luling Schools in Caldwell County, accompanied by G. L. Dunham; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; and

Whereas, These fine young American citizens are here to observe and learn firsthand the workings of their State Government; now, therefore, be it

Resolved, That we officially recognize and welcome this class and commend them for their interest, and that a copy of this resolution, properly indorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert presented the students and Mr. Dunham to the Members of the Senate.

Adjournment

On motion of Senator Hardeman, the Senate at 11:40 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Samuel Armstrong McCollum

Senator Ashley offered the following resolution:

(Senate Resolution 39)

Whereas, On the 25th day of March, 1954, Samuel Armstrong McCollum, of Brady, Texas, was called to his heavenly reward; and

Whereas, Mr. McCollum's death culminated an outstanding life of leadership and service to his fellow man; and

Whereas, He was born in Blanco County, Texas, July 21, 1885, and was reared in Mason County, Texas, where he graduated from the local high school; and

Whereas, He graduated from the University of Texas School of Law and was admitted to the Bar in 1909, after which he began the practice of law at Brady, Texas, in the highly reputed firm of Newman and McCollum; and

Whereas, He is survived by his devoted wife, the former Lucille Yantis, to whom he was married December 15, 1915, and one son, Sam McCollum, Jr., two sisters, Mrs. Anna Presley of Abilene and Mrs. Minnie Marchbank of Hamilton, and a brother, Carl McCollum of Mason; and

Whereas, Sam McCollum, as he was long and affectionately known by a host of friends all over Texas, was a man of the finest quality, generous with his time and talents and always mindful of the furtherance of the good of his fellow citizens; and

Whereas, He was recognized by the Bench and Bar of Texas as one of the outstanding lawyers of the Lone Star State; and

Whereas, He was a respected and well-loved citizen of the community in which he lived, a devoted husband and father, a substantial property owner and successful ranchman, and a warm personal friend of the author of this Resolution; now, therefore be it

Resolved, That when the Senate adjourns today, it do so in respect to the memory of Samuel Armstrong McCollum.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Mrs. Ida King

Senator Parkhouse offered the following resolution:

(Senate Resolution 44)

Whereas, On February 5, 1954, Almighty God, in His infinite wisdom, called from her earthly labors Mrs. Ida King, mother of our distinguished colleague, the Honorable Tom King of Dallas; and

Whereas, Mrs. King who spent seventy-nine glorious years in the service of her God, her family, and her fellow man, was a beloved citizen of Oak Cliff, Dallas, Texas, the widow of the late Lafayette King; and

Whereas, This good Christian mother, who always wore a smile on her face, and was loved by all who knew her, was a long-time member and ardent church worker of the Cliff Temple Baptist Church of Oak Cliff, also an active member of the Volunteer Sunday School Class of said church; and

Whereas, She was born in Arkansas and moved to Dallas in 1919, where she had resided ever since. She was blessed with the glorious motherhood of six children, five of whom survive her; and

Whereas, As the Psalmist said in the One Hundred and Sixteenth Psalm, "Precious in the sight of the Lord is the Death of his Saints," is most applicable to this good Christian woman; now, therefore, be it

Resolved, By the Senate that a page in the Journal of today be dedicated to the memory of this gracious lady, Mrs. Ida King, and that we here and now extend our deepest sympathy to the family and ask that God give them surcease from the sorrow of the loss of this good woman; and, be it further

Resolved, That a copy of this Resolution be transmitted to the members of the bereaved family, and that when the Senate adjourns today, it do so in memory of Mrs. Ida King.

PARKHOUSE

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bell, Bracewell, Colson, Corbin, Fuller, Hardeman, Hazlewood, Kazen, Kelley, Lane, Latimer, Lock, Martin, McDonald, Moffett, Moore, Phillips, Rogers of Travis, Rogers of Childress, Russell, Rutherford, Sadler, Secrest, Shireman, Strauss, Wagonseller, Weinert, Willis.

The resolution was read.

On motion of Senator Kelley, the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.